



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

Southern Area

130 North Main Street

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Richfield, Utah 84701-0563

(435) 896-4429 telephone

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Michael O. Leavitt
Governor

Robert L. Morgan
Executive Director

Jerry D. Olds
State Engineer

CERTIFIED MAIL NUMBER 7001 1140 0002 8587 7306

FROM THE STATE ENGINEER OF THE STATE OF UTAH

**RE: Garth J. Swallow Revocable Trust) NOTICE OF UNLAWFUL USE OF WATER
Carma C. Swallow Revocable Trust EXCESS OF WATER RIGHT
Garth J. & Carma C. Swallow, trustees)
Water Right No(s). 67-81(a24777),
67-270 (a25808), 67-47 (a25681))**

Utah Code Ann. section 73-3-1 states that no appropriation of water may be made and no rights to the use of water may be initiated without an application approved by the State Engineer. Water Right No(s). 67-81 (a24777), 67-270 (a25808), 67-47(a25681) allows the diversion of up to 20.309 cfs of water from the wells described under these rights for the beneficial use of 1,337.3757 acres of land. Field investigation by the staff of the Division of Water Rights on July 14 and July 17, 2003 revealed the water is being used for the irrigation of 1,996 acres of land. Enclosed please find a map showing acres observed irrigated as a results of our field review.

NOW THEREFORE, you are hereby **NOTIFIED that this constitutes an unlawful use of water in excess of the uses and limits set forth in water right no(s).67-81(a24777), 67-270(a25808) and 67-47(a25681).**

If you continue to use water unlawfully you will be subject to receiving an Order from the State Engineer requiring you to cease the use of water. Unlawful use of water in violation of an Order may result in legal proceedings against you.

I strongly urge you to give this matter your immediate attention. There will be no further notification from this office before an Order is issued. Should you have questions regarding this NOTICE, please contact me at (435-896-4429).

Dated this 18 day of July, 2003

Kirk Forbush, P.E.
Regional Engineer

cc: Jerry Olds, State Engineer
✓ Lee Sim, Assistant State Engineer

Utah!
Where ideas connect